
**State Government & Tribal
Affairs Committee**

HB 2796

Brief Description: Preventing rejection of ballots that have voter identifying marks.

Sponsors: Representatives Loomis, Chandler, Miloscia, Hunt, Lias and Armstrong; by request of Secretary of State.

Brief Summary of Bill

- Clarifies that election officials may not mark a ballot in any manner that would allow for the identification of the voter.
- Provides that ballots with marks that identify the voter will not be invalidated and will still be counted.

Hearing Date: 1/22/08

Staff: Tracey Taylor (786-7196).

Background:

In 2002 Congress passed the Help America Vote Act (HAVA). The HAVA mandated that states adopt uniform standards that define what constitutes a vote and what will be counted as a vote for each voting system in the state. These standards were deemed necessary to ensure consistency across the state and prevent equal protection violations. Washington's uniform standards are explained and illustrated in the Secretary of State's publication "Voter Intent: Statewide Standards on What Is A Vote" (revised 2007).

Washington, being a voter intent state, does not disenfranchise voters merely because they marked a ballot differently than directed. State law provides that when voter intent can be discerned, the votes will be counted. Therefore, if a voter signs his or her name illegibly, and the name is not discernible, or merely initials the ballot, the ballot is counted. However, if the voter legibly signs his or her name on the ballot, thereby revealing his or her identity, by law, the ballot is rejected.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

An election official may not mark a ballot in any manner that allows for the identification of the voter. Also, a ballot may not be invalidated and must be counted if it is marked so as to identify the voter. In addition, an incorrect internal reference is corrected.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.